

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NOTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

IN RE:

GEORGE ALLISON DAVIS

LAURA JANE DAVIS

DEBTOR(S)

CASE NO. 14-70056 - HDH -13

Hearing Date: 5/14/2014

Hearing Time: 11:00 AM

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW WALTER O'CHESKEY, Standing Chapter 13 Trustee (hereinafter referred to as Trustee), and files this Objection to Confirmation in opposition to confirmation of Debtors' Chapter 13 Plan and Motion for Valuation filed herein by the above debtor(s), and would respectfully show the Bankruptcy court:

- 1 Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on 2/28/2014.
- 2 Debtor(s) are above median income per 11 U.S.C. Sec. 1325 (b)(4).
- 3 Trustee alleges the net business income on Schedule I should be \$7,315 not \$6,274
- 4 Trustee alleges the expenses in Schedule J are excessive in a less than 100% Plan. Trustee alleges the expenses lower the available monthly disposable income at the expense of the unsecured creditor class.
- 5 Trustee is unable to verify all available monthly disposable income is being committed to the Plan and objects to confirmation in accordance with 11 U.S.C. 1325 (b)(1)(B).
- 6 Trustee is unable to administer the Debtors' Plan as proposed due to multiple claims needing treatment.
- 7 Trustee is unable to determine feasibility of the proposed Plan base until all claims are properly treated and objects to confirmation in accordance with 11 U.S.C. 1325 (a)(6).
- 8 Trustee is unable to recommend confirmation per General Order 2010-01 (16c), because a certificate concerning all applicable Federal, State, and local tax returns required by Section 1308 of the Bankruptcy Code has not been filed with the Court.
- 9 Trustee alleges an objection to the Debtors' claim of exemptions has been filed in this case so Trustee is unable to verify the Debtors' equity in non-exempt property.
- 10 Trustee objects to confirmation in accordance with 11 U.S.C. 1325 (a)(4).

WHEREFORE, the Trustee prays that the Bankruptcy Court deny Confirmation of the Debtor(s) Chapter 13 Plan and Motion for Valuation and for such other relief to which this bankruptcy estate may be justly entitled.

Date: 5/7/2014

Respectfully submitted,
/s/ Walter O'Cheskey
6308 Iola Avenue

I hereby certify that a true and correct copy of the foregoing Trustee's Objection to Confirmation was this date served on the following parties at the addresses listed below by electronic service or by U.S. First Class Mail:

Debtor(s) Attorney
MONTE J WHITE
ATTORNEY AT LAW
1106 BROOK AVE HAMILTON PLAC
WICHITA FALL TX 76301-0000

Debtor(s)
GEORGE ALLISON DAVIS
LAURA JANE DAVIS
710 CROWS POINT

BRIDGEPORT TX 76426

Date: 5/7/2014

/s/ Walter O'Cheskey
Office of the Standing Trustee

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